

STAFF REPORT
CENTRAL VALLEY REGIONAL WATER QUALITY CONTROL
BOARD ENFORCEMENT AND COMMUNICATION POLICIES
17/18 MARCH 2005 REGIONAL BOARD MEETING

ATTACHMENT F

WORK PLAN TABLE

	Task	Status
	Dischargers	
	Develop Waste Discharge Requirements and companion Cease and Desist Order for Hilmar Cheese Company for Board consideration that will impose effluent limits on the discharge and require groundwater monitoring	WDRs and CDO are being drafted; plan to schedule for Board consideration no later than the June 05 Board meeting
	Oversee closely Hilmar's compliance with the Cleanup and Abatement Order	CAO issued 2 Dec 04; discharger is proceeding in compliance
	Prepare for deliberation by the Executive Officer, as soon as is practicable, an Administrative Civil Liability complaint for past violations at Hilmar	ACL Complaint for \$4M was issued by EO 26 January 05; plan to schedule for Board hearing no later than the June 05 Board meeting
	Take enforcement actions at other priority sites	<p>CAO issued 3 Feb 05 to Nicoletti Oil and Exxon Mobil, Merced Co; weekly status reports provided to State Board through Feb-Mar 05</p> <p>CAO issued 4 Feb 05 to Mozzarella Fresca and Mendonsa Dairy, Tulare County</p> <p>CAO issued 4 Feb 05 to Sunset Ranchos Investors LLC, Placer County</p> <p>Final ACLC Settlement Agreement for \$210,000, 8 Feb 05, with Lake County Sanitation District, Lake County</p> <p>ACLC for \$25,000 issued 3 March 05 to City of Marysville, Yuba County</p> <p>ACLC for \$50,000 issued 3 March 05 to Jackson Road Landfill, Sacramento County</p> <p>ACLC for \$50,000 issued 3 March 05 to Florin Perkins Road Landfill, Sacramento County</p> <p>ACLC for \$400,000 issued 4 March 05 to Lake Berryessa Resort Improvement District, Napa County</p>
	Policy	
	Place priority in all regulatory programs on enforcement over permitting and other routine work, and document resultant work backlog	Meetings being held by EO with management staff and with each program section to discuss enforcement priorities (with Non15, Dec 29; with TMDL/BP Jan 11; with UST Feb 3; others being scheduled)

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Focus on “majors” – i.e., large, sophisticated, knowledgeable dischargers, as opposed to “minors” as a priority criterion	(same as above)
Direct staff that the <i>burden is on the discharger</i> to demonstrate that their proposed discharge will comply with water quality objectives, and <i>the burden is not on the staff</i> to demonstrate that the discharge will not comply	(same as above)
Clarification of the proper role of the State Board Compliance and Assurance Enforcement Unit (CAEU)	EO, along with EOs from Regions 6 and 9 and counsel from OCC were appointed 1 Feb 05 to a Management Coordinating Committee Subcommittee to work with the CAEU
Develop an enforcement prioritization and tracking process for the Region; work with State Board on statewide process	<p>Comments on CAPE provided to State Board by Enforcement Coordinator (EC)</p> <p>Comments to State Board on “Top Violators” report</p> <p>13 January 05 – The EC participated in State Board Roundtable discussion of statewide enforcement prioritization process</p> <p>7 February 05 – Water Boards 2005 Compliance Initiative (including enforcement prioritization) was discussed by the Regional Board Consistency Advisory Group (CAG). CAG membership includes the EO; AEOs; Supervisors; Enforcement, Compliance and Program Support Unit staff; and legal staff.</p> <p>19 February 05 – EC provided Regional Board comments to State Board re: proposed statewide enforcement prioritization process</p> <p>2 March 05 – EC met with State Board staff to discuss proposed statewide enforcement prioritization process</p> <p>Enforcement prioritization process and criteria will be discussed at the 28 March 05 CAG meeting</p> <p>April 05 State Board Enforcement Roundtable - the EC has requested State Board to place the statewide prioritization process and criteria on the agenda. (request also made to put this on the agenda of the State Board core regulatory program roundtables.)</p>

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	Procedures	
	Direct senior staff that anytime an enforcement action is being planned or considered, a memo addressed to the EO, Counsel, and respective AEO is to be prepared and routed to ensure attention from management	Direction provided initially at staff Consistency Advisory Group meeting 16 September 03, reinforced at subsequent meetings, staff is implementing
	Update procedures (and Office Procedures Manual (OPM)) to establish consistent procedures and signature authority for issuance of the different types of enforcement actions, especially for NOV's and 13267 orders and letters	Enforcement consistency discussed at CAG meeting 16 October 03 24 March 05 – the EC will meet with the OPM Committee
	Develop template orders and cover letters for more efficient and timely enforcement action	California Water Code section 13267 Orders have been identified as the first priority for standardization. Work will start on this in April 05.
	Clarify criteria for Supplemental Environmental Projects (SEPs) for dischargers	Staff raised the issue at the 25 January 05 Watershed Initiative Roundtable. The topic will be place on the CAG agenda at a future meeting.
	Improve data entry for tracking of enforcement actions for consistency in reporting	17 February 05 – EC met with the Regional Board SWIM Coordinator and Executive Assistant to discuss improved tracking of enforcement actions, including ACL status and payments. Issues and proposed approaches will be discussed at the 28 March 05 CAG meeting.
	Staffing	
	Revise organization charts for offices to identify staff dedicated to enforcement tasks	Done and posted on web site Feb 05
	Senior Enforcement Coordinator will provide Executive with a report listing and addressing enforcement priorities for the Region on a monthly basis, or more often if necessary	Direction provided 14 January 05 Process for developing enforcement priorities is currently in development
	Senior Enforcement Coordinator will ensure consistent reporting of violations into the SWIM (or successor) database	Direction provided 14 January 05

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<p>Senior Enforcement Coordinator will meet, at a minimum, quarterly with Executive management and Supervisors to review and discuss enforcement activities and to make recommendations on appropriate enforcement actions</p>	<p>Direction provided 14 January 05</p> <p>10 January 05 - Meeting of AEOs, Program Support Supervisor and Enforcement Coordinator. Meeting was held to identify enforcement needs/tasks and priorities.</p> <p>14 January 05 – prioritization, work plan, and other enforcement related topics were discussed by the EO, AEOs, Supervisors and EC</p> <p>4 February 05 – EO, AEO, Supervisor, EC, and staff discussion re: CAO for a food processing facility</p> <p>11 February 05 – EO, AEO, Supervisor, EC, and staff discussion re: ACLC for a landfill</p> <p>11, 18, 25 February 05 - EO, AEO, legal staff, Supervisor, EC, and staff discussion re: enforcement for a gas and diesel sales and distribution facility</p> <p>2 March 05 - EO, AEO, legal staff, Supervisor, and staff discussion re: 4 pending ACLCs</p>
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	Provide training for staff for enforcement and data management	<p>Training scheduled includes:</p> <p>2 February 05 – two staff attended California Hazardous Materials Investigators Association (CHMIA) training (enforcement case study on discharger violating storm water laws)</p> <p>1-3 March 05 – the EC and seven other staff attended the Western States Project Introduction to Environmental Enforcement course</p> <p>18 April 05 – the EC and other staff will attend the Western States Project/CalEPA Interviewing for Regulators class</p> <p>Fall 05 – the EC has received a scholarship to attend the USEPA Criminal Investigation Division’s “Advanced Environmental Crimes Training Program.” This is a USEPA-sponsored training course on investigating and prosecuting multi-media environmental crimes and provides specialized training in conducting parallel civil and criminal investigations.</p> <p>Additional environmental enforcement training opportunities are scheduled later in the year. A calendar will be established in GroupWise identifying enforcement related activities (training, environmental task force meetings, etc.) and the Enforcement Coordinator will work with the Training Coordinator to ensure is staff aware of enforcement training opportunities and to track training in enforcement.</p> <p>Training sessions on communications and data management (SWIM, CIWQS) are being planned</p> <p>Training on CIWQS (SWIM successor database) provided by State Board Jan/Feb 05 in all three offices</p>
	Work with the executive and management staff to develop a plan for succession and transition for the Region	Transition Planning was discussed at the Dec 04 AEO meeting
	Personnel	
	Complete performance evaluations of all the AEOs of the Region no later than March 30	All five are in process; process includes interviews with subordinates and peers, as well

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		as with the AEO, which adds to the time involved and required to complete the evaluations
	Complete Individual Development Plan for each AEO that will include Leadership Training, as well as any other relevant training that will improve relationships with staff	Individual Development Plan in process of being completed along with Performance Appraisals
	Visits to the Fresno and Redding offices by Executive management at least once each quarter, monthly by the Executive Officer, to meet with staff and review any issues and concerns, especially regarding enforcement	EO visited Fresno Jan 18, 19; scheduled visit Feb 16 cancelled due to Senate Hearing and Jamestown mine mediation; EO visited Fresno March 1; AEO visiting Fresno March 9; EO visit to Redding scheduled March 8
	Communications	
	Expand discussion and information regarding enforcement in EO reports for each Board meeting	This will be initiated with the EO report for the April 2005 Board meeting
	Develop and implement Communications Policy for the Regional Board; include guidance regarding communications with press, public, other agencies, dischargers, task forces, Board members and staff	In process of incorporating and adapting for the Regional Board, the Communications Policy and Guidelines in use at the State Board 3 February 05 – Fresno Office staff held a public meeting in Dos Palos to provide the community information on the progress of assessment and cleanup of a petroleum hydrocarbon release in the area. Staff has been coordinating closely with State Board staff on site clean up and enforcement. State Board issued a press release 3 February 2005 regarding the issuance of a Cleanup and Abatement Order for the site. A calendar will be established in GroupWise identifying enforcement related activities (training, environmental task force meetings, etc.)
	As a part of the communication element in the Enforcement Work Plan, the Enforcement Coordinator will track existing participation and coordinate to ensure participation in all appropriate task forces within the Region	2 February 05 – staff attended the Sacramento County Environmental Task Force 11 January 05 – Fresno staff attended the Central Valley Task Force (Fresno, Tulare, Madera counties) 11 January 05- Fresno staff attended the Kings County Task Force 12 January 05 – Fresno staff attended the Kern County Task Force 12 January 05 – Redding staff attended the

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		Sacramento Valley Task Force (Butte, Sutter, Colusa, Glenn and Yuba counties) 13 January 05 – Redding staff attended the Northern Task Force (Shasta, Trinity, Siskiyou, and Tehama counties)
	Resources	
	Propose BCP concept for FY 06-07 to support enhanced enforcement efforts, including staff, training, and data management	Staff will start drafting the BCP concept in early April 2005
	Evaluate the use of cost recovery (used in Site Assessment and Cleanup Program) to support staff expenditures in enforcement	February 2005 - staff has discussed matter with Division of Financial Assistance at State Board handling staff cost recovery for the Site Assessment and Cleanup Program. The EC has requested State Board to place the topic on the April 2005 State Board Enforcement Roundtable agenda.